Case 08-05107 Doc 1 Filed 03/04/08 Entered 03/04/08 16:05:11 Desc Main

3/04/08 4:04PM

Page 1 of 13 Document B1 (Official Form 1)(1/08) **United States Bankruptcy Court** Voluntary Petition **Northern District of Illinois** Name of Debtor (if individual, enter Last, First, Middle): Name of Joint Debtor (Spouse) (Last, First, Middle): Barbachen, Jaroslaw All Other Names used by the Joint Debtor in the last 8 years All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names): (include married, maiden, and trade names): Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN xxx-xx-6817 Street Address of Debtor (No. and Street, City, and State): Street Address of Joint Debtor (No. and Street, City, and State): 5151 N East River Road, Apt. 2258 Chicago, IL ZIP Code ZIP Code 60656 County of Residence or of the Principal Place of Business: County of Residence or of the Principal Place of Business: Cook Mailing Address of Debtor (if different from street address): Mailing Address of Joint Debtor (if different from street address): ZIP Code ZIP Code Location of Principal Assets of Business Debtor (if different from street address above): Type of Debtor Nature of Business Chapter of Bankruptcy Code Under Which (Form of Organization) (Check one box) the Petition is Filed (Check one box) (Check one box) ☐ Health Care Business ☐ Chapter 7 ☐ Single Asset Real Estate as defined ☐ Chapter 15 Petition for Recognition ☐ Chapter 9 Individual (includes Joint Debtors) in 11 U.S.C. § 101 (51B) of a Foreign Main Proceeding ☐ Chapter 11 See Exhibit D on page 2 of this form. Railroad ☐ Chapter 15 Petition for Recognition ☐ Chapter 12 □ Stockbroker ☐ Corporation (includes LLC and LLP) of a Foreign Nonmain Proceeding Chapter 13 П Commodity Broker ☐ Partnership ☐ Clearing Bank Other (If debtor is not one of the above entities, ☐ Other Nature of Debts check this box and state type of entity below.) Tax-Exempt Entity Debts are primarily consumer debts, ☐ Debts are primarily (Check box, if applicable) defined in 11 U.S.C. § 101(8) as business debts. ☐ Debtor is a tax-exempt organization "incurred by an individual primarily for under Title 26 of the United States Code (the Internal Revenue Code). a personal, family, or household purpose." Chapter 11 Debtors Filing Fee (Check one box) Check one box: Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). Full Filing Fee attached Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). ☐ Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A. Check if: Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,190,000. ☐ Filing Fee waiver requested (applicable to chapter 7 individuals only). Must Check all applicable boxes: attach signed application for the court's consideration. See Official Form 3B. A plan is being filed with this petition. Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b). Statistical/Administrative Information THIS SPACE IS FOR COURT USE ONLY Debtor estimates that funds will be available for distribution to unsecured creditors. Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors. Estimated Number of Creditors 50-99 200-999 5,001-10,000 100-1,000-10,001-25,001-50,001-OVER 49 50,000 199 25,000 100.000 Estimated Assets \$50,001 to \$100,000 \$100,001 to \$500,000 \$10,000,001 to \$50 \$500,000,001 to \$1 billion \$0 to \$50,000 \$500,001 \$1,000,001 \$50,000,001 \$100,000,001 million million million Estimated Liabilities \$1,000,001 to \$10 million \$50,001 to \$100,001 to \$500,000 \$500,001 \$10,000,001 to \$50 \$50,000,001 \$100,000,001 \$500,000,001 More than to \$500 to \$1 billion \$1 billion \$100,000 to \$100 million million

Case 08-05107 Doc 1 Filed 03/04/08 Entered 03/04/08 16:05:11 Desc Main 3/04/08 4:04PM

Document Page 2 of 13 B1 (Official Form 1)(1/08) Page 2 Name of Debtor(s): Voluntary Petition Barbachen, Jaroslaw (This page must be completed and filed in every case) All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet) Case Number: Date Filed: Location Where Filed: - None -Date Filed: Location Case Number: Where Filed: Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet) Name of Debtor: Case Number: Date Filed: - None -District: Relationship: Judge: Exhibit B Exhibit A (To be completed if debtor is an individual whose debts are primarily consumer debts.) (To be completed if debtor is required to file periodic reports (e.g., I, the attorney for the petitioner named in the foregoing petition, declare that I forms 10K and 10Q) with the Securities and Exchange Commission have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 under each such chapter. I further certify that I delivered to the debtor the notice and is requesting relief under chapter 11.) required by 11 U.S.C. §342(b). ☐ Exhibit A is attached and made a part of this petition. X /s/ James La Fata March 4, 2008 Signature of Attorney for Debtor(s) (Date) James La Fata Exhibit C Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety? Yes, and Exhibit C is attached and made a part of this petition. No. Exhibit D (To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.) Exhibit D completed and signed by the debtor is attached and made a part of this petition. If this is a joint petition: ☐ Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition. Information Regarding the Debtor - Venue (Check any applicable box) Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District. There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District. Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District. Certification by a Debtor Who Resides as a Tenant of Residential Property (Check all applicable boxes) Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.) (Name of landlord that obtained judgment) (Address of landlord) Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition. Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).

Entered 03/04/08 16:05:11 Desc Main Page 3 of 13

3/04/08 4:04PM Page 3

B1 (Official Form 1)(1/08)

Voluntary Petition

(This page must be completed and filed in every case)

Name of Debtor(s):

(Check only one box.)

Barbachen, Jaroslaw

Signatures

Signature(s) of Debtor(s) (Individual/Joint)

I declare under penalty of perjury that the information provided in this petition is true and correct.

If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. [If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. §342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

☐ I request relief in accordance with chapter 15 of title 11. United States Code. Certified copies of the documents required by 11 U.S.C. §1515 are attached.

Signature of a Foreign Representative

I declare under penalty of perjury that the information provided in this petition

is true and correct, that I am the foreign representative of a debtor in a foreign

proceeding, and that I am authorized to file this petition.

☐ Pursuant to 11 U.S.C. §1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

Signature of Foreign Representative

Printed Name of Foreign Representative

Date

X /s/ Jaroslaw Barbachen

Signature of Debtor Jaroslaw Barbachen

Signature of Joint Debtor

Telephone Number (If not represented by attorney)

March 4, 2008

Date

Signature of Attorney*

X /s/ James La Fata

Signature of Attorney for Debtor(s)

James La Fata 6285373

Printed Name of Attorney for Debtor(s)

Tenenbaum, La Fata, Chartered

Firm Name

5920 W. Dempster St., Ste. 200 Morton Grove, IL 60053

Address

Email: lafataja@hotmail.com

847-967-0377 Fax: 847-967-0344

Telephone Number

March 4, 2008

Date

*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.

Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

Signature of Authorized Individual

Printed Name of Authorized Individual

Title of Authorized Individual

Date

Signature of Non-Attorney Bankruptcy Petition Preparer

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.

Printed Name and title, if any, of Bankruptcy Petition Preparer

Social-Security number (If the bankrutpcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.)(Required by 11 U.S.C. § 110.)

-	_	

Date

Address

Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose Social Security number is provided above.

Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. §110; 18 U.S.C. §156.

Case 08-05107 Doc 1 Filed 03/04/08 Entered 03/04/08 16:05:11 Desc Main

Document Page 4 of 13

Official Form 1, Exhibit D (10/06)

United States Bankruptcy Court Northern District of Illinois

In re	Jaroslaw Barbachen	Case No	D.	
		Debtor(s) Chapter	13	

EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH CREDIT COUNSELING REQUIREMENT

Warning: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.

Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.

- 1. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency.
- □ 2. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 15 days after your bankruptcy case is filed.
- □ 3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the five days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. [Must be accompanied by a motion for determination by the court.] [Summarize exigent circumstances here.] ____

If the court is satisfied with the reasons stated in your motion, it will send you an order approving your request. You must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy case and promptly file a certificate from the agency that provided the briefing, together with a copy of any debt management plan developed through the agency. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. A motion for extension must be filed within the 30-day period. Failure to fulfill these requirements may result in dismissal of your case. If the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing, your case may be dismissed.

3/04/08 4:04PM

Case 08-05107 Doc 1 Filed 03/04/08 Entered 03/04/08 16:05:11 Desc Main Document Page 5 of 13

Official Form 1, Exh. D (10/06) - Cont.

☐ 4. I am not required to receive a credit counseling briefing because of: [Check the applicable statement.] [Must be accompanied by a motion for determination by the court.]
· · · · · · · · · · · · · · · · · ·
☐ Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or
mental deficiency so as to be incapable of realizing and making rational decisions with respect to
financial responsibilities.);
☐ Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being
unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or
through the Internet.);
☐ Active military duty in a military combat zone.

I certify under penalty of perjury that the information provided above is true and correct.

□ 5. The United States trustee or bankruptcy administrator has determined that the credit counseling

Signature of Debtor:	/s/ Jaroslaw Barbachen	
_	Jaroslaw Barbachen	
Date: March 4, 2008		

requirement of 11 U.S.C. § 109(h) does not apply in this district.

3/04/08 4:04PM



38505 Country Club Drive Suite 250 Farmington Hills, MI 48331 (800) 504-3396

Bankruptcy Briefing Packet

prepared by

GreenPath Debt Solutions

especially for

JAROSLAW BARBACHEN

Counselor: JACKIE GAINS

Prepared on: 3/3/2008

Entered 03/04/08 16:05:11 Desc Main Case 08-05107 Doc 1 Filed 03/04/08 Page 7 of 13 Document **Questions for Attorney** How much will the Chapter 13 Trustee payment be? Exactly what debts will be included in the bankruptcy? How long will the repayment plan last? When should I call GreenPath back to complete the pre-discharge education? **Customer Situation Client Goals:** Reduce debt:Debt - Get back to a normal life Avoid foreclosure: Housing - Save his home Reason for Financial Hardship: Unemployment Home in Foreclosure? Yes Date of Sheriff's Sale: 3/05/2008 **Repossession Threatened?** No Can Client Be Garnished? No **Status:** Client Previously Filed for bankruptcy? No Year of Discharge:

NET INCOME

Income Owner	Income Source	Current	Proposed	Variance
Jaroslaw Barbachen	Full-time Job	\$5,500	\$5,500	\$0
Total		\$5,500	\$5,500	\$0

HOUSING

Debt Type	Creditor	Balance	Current Payment	Proposed DMP Payment	Variance Payment
Mortgage	National City	\$163,900	\$1,500	\$1,500	\$0
Property Taxes (Ongoing)	\$2300/year	\$0	\$192	\$192	\$0
Association Dues		\$0	\$321	\$321	\$0
Total		\$163,900	\$2,013	\$2,013	\$0

UTILITIES

Debt Type	Creditor	Balance	Current Payment	Proposed DMP	Variance Payment
				Payment	
Electric		\$0	\$60	\$60	\$0
Telephone (Local and Long Distance)	Includes cell	\$0	\$250	\$250	\$0
Cable / Satellite		\$0	\$130	\$130	\$0
Total		\$0	\$440	\$440	\$0

FIXED DEBT

Debt Type	Creditor	Balance	Current Payment		Variance Payment
				Payment	
Loan		\$15,000	\$504	\$504	\$0
Loan	Work van	\$3,000	\$199	\$199	\$0
Total		\$18,000	\$703	\$703	\$0

Debt Type	Creditor	Balance	Current Payment	Proposed DMP Payment	Variance Payment
Unsecured	Various	\$10,000	\$210	\$210	\$0
Property Taxes (Past Due)	City of Chicago 2007	\$2,000	\$42	\$42	\$0
Total		\$12,000	\$252	\$252	\$0

Household Expenses

Expense Type	Current Amount	Proposed Amount	Variance
Insurance - Home / Renters	\$13	\$13	\$0
Education - Tuition	\$17	\$17	\$0
Insurance - Auto	\$200	\$200	\$0
Transportation - Gasoline	\$200	\$200	\$0
Food - Groceries	\$600	\$600	\$0
Total HomeBudget Expenses	\$1,030	\$1,030	\$0

FORECAST DEFICIT/SURPLUS-----

\$1,062 \$1,062 \$0

In our counseling session we determined that a debt management program (DMP) is one way for you to repay your debt. On a DMP, GreenPath will negotiate new payment terms and finance charges on your credit card debt. You would then make regular deposits to GreenPath and we then disburse funds to your creditors according to the arrangements we have negotiated. Each DMP client is assigned a counselor to help successfully implement a program.

Here is a summary of how a DMP would work for you:

Housing Payments: \$2,013.00

Utilities Payments: \$440.00

Fixed Debt Payments: \$703.00

Unsecured Debt Payments: \$252.00

Total Monthly Payments: \$3,408.00

Approximate Monthly Fee: \$50.00

Total Monthly Deposit: \$3,458.00

A GreenPath counselor can work with you to configure your DMP to meet your needs. For example, you may not want a particular utility included in our program. We offer a variety of deposit methods. You may select the deposit frequency that works best with your pay frequency such as weekly, bi-weekly, semi-monthly, etc.

If you are interested in getting more information about the debt management program, please call 866-648-8117.

Case 08-05107 Doc 1 Filed 03/04/08 Entered 03/04/08 16:05:11 Desc Main Document Page 10 of 13

Assets

Туре	Value	Lien	Notes
Real Estate	\$185,000	\$163,900	
	\$185,000	\$163,900	

Potential for Liquidating Assets:

Action Items

Type

- Housing:Pay housing on time
- Home Budget:Set aside money from each paycheck
- Home Budget:Establish an emergency fund Continue to build savings. Try to save at least 10 percent of your net income.
- Home Budget:Follow home budget created today Prepare monthly budget and update it as situation changes.
- Debt:Seek legal advice Find out from your attorney the amount of your Trustee payment and make sure its paid on time.

Expectations:

Expectation	TimeLine
 You will be prepared with the paperwork and questions to make your attorney visit run smoothly 	Ongoing
 You may be able to save your home from foreclosure. 	1 Month
 You will understand the bankruptcy process and the impact on your credit 	Ongoing
 You will have peace of mind that you are filing bankruptcy only as a last resort 	Ongoing

CERTIFICATE OF COUNSELING		
CERTIFY that on	, at	o'clock,
	rec	ceived from
un agency approved pursuant to 11 V		credit counseling in the
	, an individ	ual [or group] briefing that complie
with the provisions of 11 U.S.C. §§	109(h) and 111.	
A debt repayment plan	If a debt repay	ment plan was prepared, a copy of
he debt repayment plan is attached		
This counseling session was conduc		
Date:	Ву	
	Name	
	Title	

Albany Bank & Trust 3400 W Lawrence Ave Chicago, IL 60625

American General Finan 3215 W 95th St Evergreen Park, IL 60805

American General Finance Po Box 3121 Evansville, IN 47731

Amr Eagle Bk 556 Randall Road South Elgin, IL 60177

Arrow Financial Services 5996 W Touhy Ave Niles, IL 60714

Citibank Attn: Centralized Bankruptcy Po Box 20507 Kansas City, MO 64195

Citibank Usa Attn.: Centralized Bankruptcy Po Box 20507 Kansas City, MO 64195

Citifinancial Retail S Po Box 140489 Irving, TX 75014

Gemb/sams Attention: Bankruptcy Po Box 103106 Roswell, GA 30076

Hsbc/mnrds Po Box 15522 Wilmington, DE 19850 Irwin Mortgage Corp Attn: Bankruptcy Department Po Box 8068 Virginia Beach, VA 23450

Mid America Federal S& 1001 S Washington St Naperville, IL 60540

National City Bank 1900 East Ninth St. Cleveland, OH 44114-3484

Nissan Motor Acceptance / Infiniti Po Box 660366 Dallas, TX 75266

Resurgent Capital Service/Sherman Acquis Attention: Bankruptcy Department Po Box 10587 Greenville, SC 29603

Washington Mutual / Providian Attn: Bankruptcy Dept. Po Box 10467 Greenville, SC 29603